

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

RICHARD P. COOK, PLAN TRUSTEE  
FOR YAHWEH CENTER, INC.,  
Appellant

vs.

SUNTRUST BANK,

Appellee.

**JUDGMENT IN A CIVIL CASE  
CASE NO. 7:19-CV-111-M**

**Decision by Court.**

**IT IS ORDERED, ADJUDGED, AND DECREED** that (1) the Bankruptcy Court's order dismissing the claims in the Initial Complaint against SunTrust [DE-1-1] is **AFFIRMED** and (2) the Bankruptcy Court's order denying the Trustee leave to amend his pleading against SunTrust [DE-1-2] is **AFFIRMED IN PART** and **REVERSED AND REMANDED IN PART**.

For the avoidance of doubt regarding the latter, the Bankruptcy Court's order denying the Trustee leave to amend his pleading [DE-1-2] is: (1) **REVERSED AND REMANDED** only with respect to the constructive-fraud claims within the current proposed Amended Complaint that the Trustee seeks to bring against SunTrust based upon the NSF-fee assessments and payments, including the Trustee's 11 U.S.C. § 550(a) claim; and (2) **AFFIRMED** in all other respects.

This Judgment filed and entered on May 29, 2020, and copies to:

Richard Preston Cook (via CM/ECF electronic notification)

Amy P. Williams (via CM/ECF electronic notification)

Keaton Charles Stoneking (via CM/ECF electronic notification)

May 29, 2020

Peter A. Moore, Jr.

Clerk of Court

By:

Deputy Clerk

*Susan H. Edwards*

